

REMARKS

Claims 1-14 still remain pending in this application for which applicants seek reconsideration.

Amendment

Claims 5 and 6 have been placed in independent form, and independent claims 1, 12, and 13 have been amended to define that the inclined state detector relies exclusively on the inclined state sensor to detect the inclined state of the vehicle relative to a road surface. No new matter has been introduced.

Art Rejection

Claims 1-7 and 10-14 were rejected under 35 U.S.C. § 103(a) as unpatentable over Toda (USP 6,693,380) in view of Okuchi (USP 5,877,680). Claims 8 and 9 were rejected under § 103(a) as unpatentable over Toda in view of Okuchi and Stam (USPGP 2003/0138132).

Applicants previously argued that Okuchi would not have taught an inclined state sensor exclusively adapted for mounting in front or forwardly of a front axle of a vehicle. The examiner essentially argues that the inclined state detector/detecting means, as presently recited, does not preclude another sensor mounted at other part of the vehicle. In this respect, independent claims 1, 12, and 13 define that the inclined state detector relies exclusively on the inclined state sensor to detect the inclined state of the vehicle relative to a road surface to exclude any inclined sensor mounted at any other location other than in front or forwardly of a front axle of the vehicle. As Okuchi must rely on both the vehicle height sensors 11F, 11R mounted near the front and rear wheel axles to detect the inclined state of the vehicle, Okuchi would not have taught an inclined state detector that relies exclusively on the front inclined state sensor as set forth in the claims. At least in this respect, applicants submit that the combination urged by the examiner would not have disclosed or taught independent claims 1, 12, and 13.

As to claims 5 and 6, the examiner alleges that Okuchi teaches a standard deviation calculator and a setting device for finding an average value when the standard deviation is not more than a set standard deviation, and an average value computing unit that computes the average value of the result of detection when the standard deviation is not greater than the set standard deviation, relying on the passage set forth in column 8, line 30, *et seq.* In contrast to the examiner's assertion, however, this passage does not mention anything about computing the average value of the vehicle pitch angle when the standard deviation not more than a preset

value. Instead, Okuchi merely discloses that a moving average or standard deviation method can be used to calculate the average pitch angle. Okuchi does not disclose or teach setting the average value of the vehicle pitch angle during driving when a certain threshold value is met. Rather, Okuchi discloses judging the acceleration only when a detected acceleration value exceeds a threshold value continuously for a predetermined time equivalent to several detecting cycles. See column 8, lines 50-56. Okuchi does not disclose setting the average value of the vehicle pitch angle when the detected values of the pitch does not exceed a preset standard deviation. Accordingly, applicants submit that the combination, even if it were deemed proper for argument's sake, would not have taught the claimed invention set forth in claims 5 and 6.

Further, Okuchi would not have disclosed or taught updating the results of detection of the inclined state detector to the average value computed by the average value computing unit when the standard deviation is not greater than the set standard deviation, and adding the amount of change to, or subtracting the amount of change from, the results of detection of the inclined state detector to update the results of detection, when the standard deviation is greater than the set standard deviation, as set forth in claim 6.

Stam would not have alleviated Toda's or Okuchi's shortcomings identified above.

Conclusion

Applicants submit that claims 1-14 patentably distinguish over the applied references and are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicants urge the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

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01 MAY 2006

DATE

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